

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LESLIE PAUL HOWARTH,	:	
Plaintiff	:	
v.	:	Civil Action No. 05-46J
GITTLER'S AQUARIUM AND AVIARY,	:	
Defendant	:	

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on November 9, 2005, docket no. 17, recommending that the defendant's motion for summary judgment, docket no. 13, be granted.

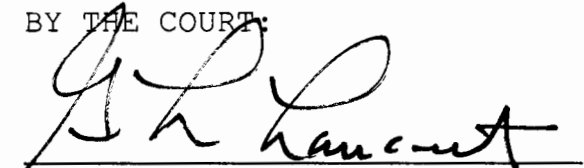
The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had ten days to serve and file written objections to the Report and Recommendation. No objections have been filed, and the time to do so has expired.

After review of the record of this matter together with the Report and Recommendation, and noting the lack of timely objections thereto, the following order is entered:

AND NOW, this 21st day of November, 2005, it is

ORDERED that the defendant's motion for summary judgment, docket no. 13, is granted. The Report and Recommendation is adopted as the opinion of the Court. The Clerk shall mark this matter closed.

BY THE COURT:


GARY L. LANCASTER,
UNITED STATES DISTRICT JUDGE

cc:

Leslie Paul Howarth, Ph.D.
211 Bentwood Avenue
Johnstown, PA 15904-1333

Michael J. Parrish, Esquire
P.O. Box 280
Johnstown, PA 15907-0289